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BEFORE THE

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Federal Communications Commission

WASHINGTON, D. C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Redevelopment of Spectrum to)
Encourage Innovation in the)
Use of New Telecommunications)
Technologies)

ET Docket No. 92-9

To: The Commission

**REPLY OF THE
FORESTRY-CONSERVATION COMMUNICATIONS ASSOCIATION**

The Forestry-Conservation Communications Association ("FCCA") hereby submits the following brief reply to Comments filed in opposition to its Petition for Reconsideration in the above-captioned proceeding.

FCCA's Petition, along with similar Petitions and supporting statements filed by other public safety groups, argued that the Commission's narrowing of the state and local government exemption from mandatory relocation would have a detrimental impact on microwave systems that protect the safety of life and property. FCCA is particularly concerned with the apparent "second class" treatment afforded forestry-conservation microwave systems.

As FCCA explained in its Petition, forestry-conservation communications systems, many of which are supported by fixed microwave facilities, are integral to the protection of life and property. These systems play a vital role in suppressing wildfires such as those that recently struck Southern California, responding to natural disasters

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such as the recent flooding of the Missouri and Mississippi Rivers, and in providing first-response law enforcement, rescue and emergency medical service throughout state owned and controlled land.

Comments in opposition to FCCA's petition do not challenge the public safety role of forestry conservation communications systems. They merely suggest that any expansion of the FCC's new narrow definition of "public safety" would have a negative impact on PCS development. However, protecting the rights of forestry conservation microwave facilities, which are located primarily in remote rural areas and represent a small percentage of 2 GHz licensees, is unlikely to have a significant impact on the PCS industry. Moreover, the Commission must give "top priority" to communications facilities that protect the safety and life and property, including forestry conservation facilities.^{1/} The Commission cannot pick and choose among public safety licensees, especially where there is no rational basis for such discrimination.

Therefore, for the reasons stated above and in its Petition, FCCA urges that all microwave facilities licensed based upon eligibility in the Forestry-Conservation Radio Service, as well as facilities licensed in any other Part

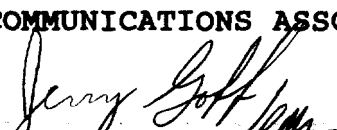
^{1/} See, e.g., S.Rep. No. 191, 97th Cong., 2d Sess. 14 (1981), reprinted in [1982] U.S. Code Cong. & Ad. News 2237, 2250; see also National Association of Broadcasters v. FCC, 740 F.2d 1190, 1213-14 (D.C. Cir. 1984).

90, Subpart B, Public Safety Radio Service, must be exempt from forced relocation from the 2 GHz microwave band.

Respectfully submitted,

FORESTRY-CONSERVATION
COMMUNICATIONS ASSOCIATION

By:


Jerry Goff, President
Missouri Department of Conservation
Post Office Box 280
Jefferson City, MO 65102

Of Counsel:

John D. Lane
Robert M. Gurss
WILKES, ARTIS, HEDRICK & LANE,
Chartered
1666 K Street, N.W.
Washington, D.C. 20006
(202) 457-7800

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CERTIFICATE OF SERVICE

I, Robert Gurss, hereby certify that a copy of the foregoing "Reply of the Forestry-Conservation Communications Association" was served this 23rd day of November, 1993, first-class mail, postage prepaid, to the following individuals at the addresses listed below:

Larry A. Blosser, Esq.
MCI Telecommunications Corporation
1801 Pennsylvania Avenue, NW
Washington, DC 20006


Henry Goldberg, Esq.
Goldberg, Bodles, Wiener & Wright
1229 - 19th Street, NW
Washington, DC 20036

R. Michael Senkowski, Esq.
Wiley, Rein & Fielding
1776 K Street, NW
Washington, DC 20006

Werner K. Hartenberger, Esq.
Dow, Lohnes & Albertson
1255 - 23rd Street, NW, #500
Washington, DC 20037

Jonathan D. Blake, Esq.
Covington & Burling
1201 Pennsylvania Avenue, NW
Post Office Box 7566
Washington, DC 20044

Thomas A. Stroup, Esq.
Telocator
1019 - 19th Street, NW, #1100
Washington, DC 20036


Robert Gurss